

**MINUTES OF THE ST. MARY'S COUNTY PLANNING COMMISSION MEETING
ROOM 14 * POTOMAC BUILDING * LEONARDTOWN, MARYLAND
Monday, June 23, 2008**

Members present were Stephen Reeves, Chairman; Howard Thompson, Shelby Guazzo, Merl Evans, Brandon Hayden, and Susan McNeill. Lawrence Chase was absent. Department of Land Use & Growth Management (LUGM) staff present were Denis Canavan, Director; Phil Shire, Deputy Director; Bob Bowles, Planner IV; Jeff Jackman, Senior Planner; Dave Chapman, Planner III; Teri Wilson, Historic Planner; and Gloria Bailey, Recording Secretary. Christy Chesser, County Attorney was also present.

The Chair called the meeting to order at 6:30 p.m.

APPROVAL OF THE MINUTES – The minutes of June 9, 2008 were approved as presented.

PUBLIC HEARINGS

CWSP #08-200--002 - Second Wind Subdivision - Mr. Chapman gave a brief overview of the request to amend service area maps III -43 and IV-43 to change the service categories from W-6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 2.86 acres described as Tax Map 43, Grid 3, Parcel 425 in the 8th Election District in anticipation of providing community water and sewerage service to a proposed five lot residential subdivision located on Rue Purchase Road in Lexington Park, Maryland.

Mr. Dave Chapman stated the analysis required pursuant to Section 1.5.3(D) of the St. Mary's County Comprehensive Water and Sewerage Plan contains seven points including Compatibility with the St. Mary's County Comprehensive Plan, Planning and Zoning Issues, Population Estimates, Engineering, Economics, State, Regional and Municipal Plans, and Comments Received From Other Agencies in the County which have all been addressed.

Ms. Guazzo asked if the entire 2.86 acre parcel would be used with these five lots. Mr. Chapman stated no the density would not be entirely used. Ms. Guazzo asked if this acreage escaped attention when we revised the Water and Sewerage Plan. Mr. Jackman stated the new Comprehensive Water and Sewerage Plan was intended to get caught up with all the piecemeal amendments.

Ms. Guazzo stated the property could have 14 lots and asked if the five lots would be put in now only to add other lots later and escape current school regulations. Mr. Jackman stated LUGM realizes the potential future development of the property and introduced Mr. Bob Troutman for further elaboration.

Mr. Troutman stated the applicant has no intention to put more than the five proposed lots on the property. With no further discussion Mr. Reeves opened the hearing to public comment. Mr. Sweeney, representative for the Dunlee Subdivision, asked if there is any assurance that they will not cut down the trees. Mr. Sweeney stated he is concerned about the run off on their property because Empire Homes stripped the ground bare and left it eroding for two years so the area drains on their property. Mr. Canavan stated he will look into the site conditions prior to development and site inspectors inspect pre-development. Mr. Canavan also stated that 50% of the property has to be left alone for open space per the zoning provisions.

Mr. Hotchins commented the deed states "only has the right to subdivide one parcel" and asked how you subdivide the parcel into five lots when the deed indicates only one is permitted? Mr. Troutman responded this was written into a prior deed that was not carried forward to today's deed. Mr. Troutman stated the zoning regulations have changed since the original deed.

Hearing no other testimony, Mr. Reeves closed the hearing to public comment. Ms. Guazzo asked if all the surrounding property owners were notified of this hearing. Mr. Jackman stated LUGM has the certified mailing receipts in the file.

Mr. Thompson made a motion in a matter of Second Wind, Case CWSP #08-200-002 having accepted the staff report dated May 29, 2008, and having held a public hearing on the request for amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP), and having made findings of adequacy with respect to the objectives and policies of the CWSP as required by the Environment Article of the Maryland Annotated Code and of consistency with the St. Mary's County Comprehensive Plan, I move that the Planning Commission recommended to the Board of County Commissioners to amend service area maps III-43 and IV-43 to change the service categories from W6 and S-6 (service in 6 to 10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for property described as Tax Map 43, Grid 3, Parcel 425 in the 8th Election District; I further move that the Chair be authorized to sign a resolution on behalf of the Planning Commission to transmit this recommendation to the Board of County Commissioners and Mr. Hayden seconded. The motion passed by a 7-0 vote.

Corridor Management Plan – Religious Freedom By-Way – Ms. Wilson gave a brief overview of the progression of the Religious Freedom Byway Corridor Management Plan stating this hearing is to have the Commission consider the adoption of the Religious Freedom By-Way in Reference to the Comprehensive Plan. Ms. Wilson introduced Mr. Jim Klein and stated he will further explain the plan.

Mr. J. Klein gave an overview of the plan stating the purpose of the plan is to gain designation for this as a National Scenic By-Way through the Federal Highway Administration's Scenic By-Way Program. Mr. Klein stated this designation helps to gain access to other funding and provides opportunities for appropriately scaled Heritage Tourism and to gain additional recognition for the route. Mr. Klein explained the following:

Opportunity Enhancement – Public lands and easements are already in place and can relate to the proposed program. With a strong correlation in both St. Mary's and Charles Counties it will beautify certain places and benefit in screening for pedestrian safety.

Transportation Strategy - Using the Route 50 Traffic Calm Concept Plan which gives the driver a better perception upon entering the area, this is similar to Route 5. The plan will align shifts and shoulders for buggies, bikes, hiking, etc. The SHA is looking at how to slow water down before reaching the Chesapeake.

By-way Regions – Management strategies must vary in order to respond to the specific conditions along different sections of the byway which was divided into six sections:

- Nanjemoy Loop
- Leonardtown
- Port Tobacco to Allen's Fresh
- Callaway and Environs
- Budds Creek Road
- St. Mary's to Point Lookout

Views from the Byway – Traveling the route is influenced by its views; for now they will utilize the existing and available preservation, conservation and land use that are identified in each County.

Existing Visitor Attractions – Historical, cultural, natural and recreational sites that have been designated Interpretive Sites based on current programs. There are visitor facilities which are primarily in LaPlata and Leonardtown.

Goals for the By-Way:

1. Preserve, maintain, and enhance the character defining qualities of the By-Way corridor.
2. Establish the By-Way as a primary touring route in the Southern Maryland Heritage Area.
3. Use the By-Way to create a coherent travel experience.
4. Utilize Context Sensitive Solutions to design By-Way projects.
5. Manage and market the By-Way.

Ms. Guazzo stated she has some concerns with the Scenic By-Way Program in St. Mary's County. Ms. Guazzo stated Route 234 is listed as a minor arterial, and one of the goals is to keep all two lane roads two lanes. Ms. Guazzo stated there is an enormous amount of mileage identified from the Charles County line to Point Lookout to remain as two lanes. Ms. Guazzo stated there are certain sections that should not remain two lanes. Ms. Guazzo stated off premise signs are permitted for businesses to advertise and she does not like the idea of prohibiting this along the by-way. Ms. Guazzo stated current Tourism Area Corridor "TAC" signs are not understandable and need to be clearer. Ms. Guazzo stated as a resident of Chaptico the History of Chaptico is incorrect and explained Chaptico is a major steam ship port city. Ms. Guazzo stated Chaptico doesn't just have a church which is identified with an incorrect building date.

Mr. Klein stated the two lane roadway language could be corrected to recommend expansion of the roads when needed. Ms. Guazzo stated the side routes could certainly remain two lanes but when you have the major artery through our County, we need not be burdened to keep two lanes. Ms. Guazzo stated Route 234 to Great Mills will need to be four lanes eventually.

Mr. Klein stated we can reference St. Mary's County sign regulations to solve the off-premise sign issue. Mr. Klein stated the TAC signage is supposed to identify historic sites and visitor services that are associated with the tourism areas. Mr. Klein stated we can correct the history of Chaptico to include the port and correct the date of the church being built.

Mr. Reeves opened the hearing to public comment. Ms. Roz Racanello stated the TAC signs did not come out of the Maryland Office of Tourism; in fact they came from the State Highway Administration. Ms. Racanello stated 375 years ago next year we will be celebrating the founding of Maryland which happened right here in St. Mary's County. Ms. Racanello stated she is very supportive of the Religious Freedom By-Way.

Hearing no other testimony. It was the consensus of the Commission members to leave the hearing open for 14 days until the next regular Planning Commission meeting.

Mr. Reeves asked if there is anyway the people can get a copy of this document. Ms. Wilson stated the document is available at the three Public Libraries and can also be retrieved from the County website.

DEVELOPMENT REVIEW

Concept Site Plan #04-132--010 - Oak Crest Center – Mr. Bowles gave an overview of the project for review and approval of a concept site plan for 902, 820 square foot of mixed use development. Mr. Bowles stated outstanding issues are the proposed Traffic Mitigation and approval of an updated Phasing Plan.

Mr. Evans stated the phasing plan was sent back to the County Commissioners and asked if comments were made by the Commissioners. Mr. Bowles stated he is unaware of any comments that were made. Mr. Shire stated because the time span between activities exceeded the typical project time we wanted to give the County Commissioners the opportunity to weigh in however he

is unaware of comments made. Ms. Guazzo stated she was disappointed when our motion was passed at the time did not reference zoning ordinance 44.4.5 and we did this because not one cinder block had been razed in 17 years. Ms. Guazzo stated the County Commissioners are the approving authority of what is known as Planned Unit Developments "PUD" and this was their opportunity to ask for any updates or to follow any current ordinances. Ms. Guazzo stated the County Commissioners were not given the opportunity to understand their role in the process.

Mr. Canavan stated the project was brought before the County Commissioners to update them on the zoning history of the property. Mr. Canavan stated the County Commissioners delegated the review to both the Department of Land Use and Growth Management and the Planning Commission to take a look at a phasing plan. Mr. Canavan stated the County Commissioners are fully aware of the history and issues with the property. Ms. McNeill stated the County Commissioners didn't really send it back, they did what they were supposed to do and we are following the development process.

Mr. Longmore gave an overview of the project stating the County Commissioners received a letter dated April 9, 2008 which outlined all the issues with the property. Mr. Longmore stated it is written in the Commissioners minutes that they were aware of the Section 44.4.5 citing of the Ordinance and the Commissioners chose not to vote on the issues.

Mr. Carl Wilson explained improvements under consideration for this project stating there will be a right turn lane going into the site (see Attachment #3), a second left turn lane into the site. Mr. Wilson stated the larger improvements include constructing additional through lanes along Route 235 north and south with the existing three lane section. Mr. Wilson stated fees in lieu would also be paid for impact to the intersection of Routes 4 and 235. Mr. Wilson stated the State Highway Administration "SHA" is in agreement with the concept of all these improvements which are now in the engineering phase.

Mr. Thompson requested a letter from SHA regarding their comments. Mr. Benitos stated the next letter will be the approval of the 30% improvement plans. Mr. Thompson stated this is the busiest three miles of Route 235 and he wants to make sure all the information the Commission receives is current and up to date. Ms. Guazzo stated she would like a current letter regarding the 30% already approved or for Mr. Foster to come and speak with us.

Mr. Groeger stated the capacity of the intersection was used and the impact is higher in the afternoon. Mr. Groeger stated it is the incremental increase of their development on the level of service that they are mitigating. Mr. Thompson stated the five year old letter is not enough information and requested that a current letter be sent from SHA regarding this traffic study and analysis. Ms. McNeill stated we should ask for a letter and have SHA appear at the next meeting as well as ask for the parking regulations adhere to the current 2002 zoning laws. Mr. Longmore stated he will do his best to accommodate the requests.

Ms. Guazzo asked the applicant to adhere to the current stormwater management regulations and current parking regulations. Ms. Guazzo in reviewing the phasing plan recommended an update.

Ms. McNeill made a motion to continue this case to the next meeting with the request that Mr. Foster and/or representative of SHA attend the next meeting and/or send in a letter in regards to the traffic mitigation and Ms. Guazzo seconded. The motion passed by a 7-0 vote.

Major Subdivision #07-120--014 – Kessler Neighborhood – Mr. Berry gave an overview of the Preliminary Review and approval of a 20 lot Major Subdivision. Mr. Berry stated outstanding issues are the recreation area of 0.50 acres which must be provided on the plan and the recreation area in the transportation buffer will not be accepted.

Mr. Parlett stated we have revised the plan to include open space between the townhouse units in which all units have common access and all are a part of the Home Owner's Association. Mr. Parlett stated the site is very restrained by wetlands and buffers, based on the acreage we can theoretically obtain a density of about 26 units but given the constraints of the property are only asking for 20 units.

Mr. Hayden made a motion in the matter of PSUB #07-120--014, Kessler Neighborhood, containing 20 townhouse lots, having accepted the staff report and having made findings pursuant to Section 30.5.5 of the Subdivision Ordinance (Criteria or Approval of a Preliminary Plan), including adequate facilities as described in the attached Director's Report, move that the preliminary subdivision plan be approved and Mr. Thompson seconded. The motion passed by a 7-0 vote.

ANNOUNCEMENTS

ADJOURNMENT

The meeting was adjourned at 9:05PM

Gloria Bailey
Recording Secretary

Approved in open session: July 28, 2008

Stephen T. Reeves
Chairman